

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JUSTIN MAYNARD, Reg. No. 1029567,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4214-CV-C-NKL
)	
CORRECTIONAL MEDICAL SERVICES,)	
INC., et al.,)	
)	
Defendants.)	

ORDER

On April 30, 2008, United States Magistrate Judge William A. Knox recommended that defendants' motion to dismiss plaintiff's state law claims for failure to file the required affidavit of merit be granted, unless plaintiff filed the affidavit on or before the deadline set for filing exceptions to the recommendation. Plaintiff has failed to submit such affidavit. Judge Knox further recommended that the dismissal of plaintiff's state law tort claims be without prejudice.

The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of April 30, 2008, is adopted. [35] It is further

ORDERED that defendants' motion to dismiss plaintiff's state law claims for failure to file the required affidavit of merit is granted. [10] It is further

ORDERED that the dismissal of plaintiff's state law tort claims is without prejudice.

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: June 18, 2008
Jefferson City, Missouri